IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1790 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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G S R T CORPN

Versus

VIJAY M JASANI

Appearance:

MR HARDIK C RAWAL for Petitioner No. 1

MR MK PAUL for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 18/09/2001

ORAL JUDGEMENT

#. The petitioner - Corporation has challenged the award passed by the Presiding Officer, Labour Court, Rajkot dated 24.11.1999 in Recovery Application No.1577 of 1984. The respondent workman had preferred the said application under section 33-C (2) of the Industrial Disputes Act for

recovering certain amounts. The Labour Court came to the conclusion that the concerned workman is entitled to recover Rs.16,200/- towards the difference in the pay for the period from November 1980 to 31.7.1984. The said award is challenged in this petition by the S.T.Corporation.

#. It is argued by Mr.Rawal for the Corporation that the aforesaid amount was already paid to the concerned workman before even the Labour Court passed the impugned award. He submitted that the amount in question was already paid to the concerned workman as back as in 1986, yet the Labour Court has passed the aforesaid award on 24.11.1999. He submitted that the particulars were also given to the Labour Court at the time when the matter was pending, still the aforesaid award has been passed. The Labour Court came to the conclusion that, it is no doubt true that the Corporation has placed on record the calculation, but it was produced at very late stage and that the Corporation has not produced any documentary evidence to show that such payment is made. However, in view of the fact that the Corporation has already submitted the calculation and has also submitted that the amount in question has already been paid, in my view, there was no reason for the Labour Court to pass the impugned award asking the Corporation to pay the aforesaid amount of Rs.16,200/- to the concerned workman. Mr.Paul, learned advocate for the respondent workman has also confirmed the aforesaid fact that his client has received the amount in question and that nothing further is required to be paid to the concerned workman.

#. In the aforesaid circumstances and considering the fact that the concerned workman has already been paid the amount in question which he was entitled to receive, nothing further is required to be done in the matter except setting aside the award of the Labour Court.

#. In view of what is stated above, the award of the Labour Court dated 24.11.1999 passed in Recovery Application NO.1577 of 1984 is set aside. The petition stands allowed. Rule is made absolute with no order as to costs.

(P.B.Majmudar,J)
(pathan)